

# SL 2014-120 Report – New Hanover County Health Department

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## **Part 1A: On-site Water Protection Program** **Standardize Certain Regulatory Review Procedures** *Reference Session Law 2014-120, Section 29.(b).*

The New Hanover County Health Department (Environmental Health Services) On-site Water Protection (OSWP) Program receives proposals for review under multiple scenarios as provided in statute and rule. The processes for each type of review are described below:

- I. Systems with design daily flows  $\geq 3,000$  total gallons per day [15A NCAC 18A .1938(e)] or for treatment of industrial process wastewater (IPWW) [15A NCAC 18A .1938(f)]:
  - A. The owner or representative and/or their consulting Professional Engineer (PE) meets with the OSWP Program staff to review the preliminary project information based on submittal rules, procedures and requirements.
  - B. Administrative Support staff process the application, fees and accompanying documents which generates notification to other New Hanover County agencies (Engineering, Fire, Planning and Inspections Departments).
  - C. OSWP Program staff notifies Regional Soil Specialist and NC DHHS staff.
  - D. Administrative Support staff prepares copy of application, and original design plans/specifications for courier transmittal to NC DHHS staff.
  - E. OSWP Program staff assists Regional Soil Specialist and NC DHHS staff consistent with *On-site Water Protection Branch State Regulatory Review Procedures (.1938(e) Part 1A, Section I and .1938(f) Part 1A, Section IB).*
- II. Design plans and specifications pursuant to Rule .1948(d)
  - A. The owner or representative and/or their consulting Professional Engineer (PE) meets with the OSWP Program staff to review the project information submittal relative to 1948(d).
  - B. Administrative Support staff process the application, fees and accompanying documents which generates notification to other New Hanover County agencies (Engineering, Fire, Planning and Inspections Departments).
  - C. OSWP Program staff notifies Regional Soil Specialist and NC DHHS staff.
  - D. Administrative Support staff prepares copy of application, and original design plans/specifications for courier transmittal to NC DHHS staff.
  - E. OSWP Program staff assists Regional Soil Specialist and NC DHHS staff consistent with *On-site Water Protection Branch State Regulatory Review Procedures (Part 1A, Section IC).*

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## III. Design plans and specifications pursuant to Rule .1949

- A. The owner or representative and/or their consulting Professional Engineer (PE) meets with the OSWP Program staff to review the project information submittal relative to 1949.
- B. Administrative Support staff process the application, fees and accompanying documents which generates notification to other New Hanover County agencies (Engineering, Fire, Planning and Inspections Departments).
- C. OSWP Program staff notifies Regional Soil Specialist and NC DHHS staff.
- D. Administrative Support staff prepares copy of application, and original design plans/specifications for courier transmittal to NC DHHS staff.
- E. OSWP Program staff assists Regional Soil Specialist and NC DHHS staff consistent with *On-site Water Protection Branch State Regulatory Review Procedures (Part 1A, Section IIA)*.

## IV. Design plans and specifications for flow reduction utilizing low-flow fixtures or low-flow technologies pursuant to Session Law 2013-413 or 2014-120.

- A. The owner or representative and/or their consulting Professional Engineer (PE) meets with the OSWP Program staff to review the project information submittal relative to flow reduction utilizing low-flow fixtures or low-flow technologies pursuant to Session Law 2013-413 or 2014-120.
  - 1. Administrative Support staff process the application, fees and accompanying documents which generates notification to other New Hanover County agencies (Engineering, Fire, Planning and Inspections Departments). OSWP Program staff reviews the proposal and may consult Regional Soil Specialist and NC DHHS staff.
  - 2. OSWP Program staff provides a response to the submitting party that includes:
    - a. *An approval of the system* engineering plans and specifications, or
    - b. *A request for revisions* that include:
      - 1. A section detailing any required revisions with citation of applicable statute or rule(s);
      - 2. A section detailing any suggested or recommended revisions based upon current knowledge base (guidance, manuals or standards of practice).
    - c. *A request for additional information* that includes:
      - 1. A section detailing any required additional information with citations of applicable statute or rule(s) and;
      - 2. A section detailing any suggested additional information based upon current knowledge base (guidance, manuals, or standards of practice).

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## **Part 1B: Food Protection and Facilities Branch: Standardize Certain Regulatory Review Procedures**

*Reference Session Law 2014-120, Section 29.(b).*

The New Hanover County Health Department (Environmental Health Services) Children's Environmental Health and Institutions, and Food Safety Programs receive proposals for review under multiple scenarios as provided in statute and rule. The processes for each type of review are described below:

### Food Service Plan Review Procedures

1. Receive application.
2. Review application for completion.
3. Assign to designated plan review staff for complete review of application, equipment specification sheets and plan.
4. Provide written notification to the applicant when plan review process is complete and approved.

### Food Service Plan Review Procedures(Prototype/Chain/Franchise Establishments)

1. Receive application.
2. Review application for completion.
3. Notify the applicant if plans must be reviewed by DHHS and provide all contact information.
4. Confer with DHHS, any known issues with existing prototype establishments.
5. DHHS will provide a copy of the approved application, equipment specification sheets and plan, to the designated plan review staff.
6. Provide written notification to the applicant when plan review process is complete and plan review approval has been received from DHHS.

### Swimming Pool Plan Review

1. Receive application.
2. Review application for completion.
3. Assign to designated plan review staff for complete review of application, equipment specification sheets and plan.
4. Provide written notification to the applicant when plan review process is complete and approved.

## **Part 2A: On-site Water Protection Branch Informal Internal Review Processes and**

### **Procedures to Develop and Maintain a List of Review Engineers**

*Reference Session Law 2014-120, Section 29.(c).*

The New Hanover County Health Department (Environmental Health Services) On-site Water Protection (OSWP) Program has neither an “Informal Internal Review Process” nor “Procedures to Develop and Maintain a List of Review Engineers”, deferring instead to protocols noted below:

- I. If a submitting party requests an Informal Internal Review of an engineered design, the request will be forwarded to the State in accordance with *On-site Water Protection Branch State Regulatory Review Procedures (Part 2A Section III)*.
- II. A list of PEs available for Informal Internal Reviews will be developed in accordance with *On-site Water Protection Branch State Regulatory Review Procedures (Part 2A Section IV)*.

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The New Hanover County Health Department (Environmental Health Services) Children's Environmental Health and Institutions, and Food Safety Programs has neither an "Informal Internal Review Process" nor "Procedures to Develop and Maintain a List of Review Engineers", deferring instead to protocols noted below:

- I. Differences regarding rule interpretation may be resolved through an informal review as provided in 15A NCAC 18A .2676\*.
- II. If a submitting party requests an Informal Internal Review of an engineered design, the request will be forwarded to the State in accordance with *On-site Water Protection Branch State Regulatory Review Procedures (Part 2A Section III)*.
- III. A list of PEs available for Informal Internal Reviews will be developed in accordance with *On-site Water Protection Branch State Regulatory Review Procedures (Part 2A Section IV)*.

## **\*15A NCAC 18A .2676 INFORMAL REVIEW PROCESS AND APPEALS PROCEDURE**

(a) If a permit holder disagrees with a decision of the local health department on the interpretation, application, or enforcement of the rules of this Section the permit holder may:

- (1) Request an informal review pursuant to Paragraphs (d) and (e) of this Rule; or
- (2) Initiate a contested case in accordance with G.S. 150B.

(b) The permit holder is not required to complete the alternative dispute resolution prior to initiating a contested case in accordance with G.S. 150B.

(c) When a petition for a contested case is filed, the informal review process shall terminate.

(d) If the permit holder requests an informal review, the request shall be in writing and shall be postmarked or hand delivered to the local health department within seven days of notice of the decision giving rise to the review. The request shall state the issues in dispute. If the inspection giving rise to the informal review was conducted by the Environmental Health Supervisor in the county or area where the food establishment is located, or when the county or area has only one registered environmental health specialist assigned to inspect food establishments, the Environmental Health Regional Specialist assigned to that county or area shall conduct the local informal review. As soon as possible, but at least within 30 days of receipt of the request, the person conducting the review shall contact the permit holder, provide that permit holder an opportunity to be heard on the issues in dispute and issue a written decision addressing the issues raised in the appeal. Copies of the decision shall be mailed to the permit holder and to the State Health Director. That decision shall be binding for the purposes of future inspections of the establishment

in question unless modified pursuant to Paragraph (e) of this Rule or by the State Health Director.

(e) Following receipt of the written decision of the Environmental Health Supervisor or his or her representative issued pursuant to Paragraph (d) of this Rule, the permit holder who initiated the informal review may appeal the resulting decision to an Informal Review Officer designated by the Department to be responsible for final decisions on appeals from throughout the state. Notice of such appeal shall be in writing, shall include a copy of the Environmental Health Supervisor's or his or her representative's decision, and shall be postmarked or hand-delivered to the local health department and to the Department within seven days of receipt of the written decision issued pursuant to Paragraph (a) of this Rule. Within 35 days of receipt of this appeal, the designated Informal Review Officer shall hold a conference in Wake County. At least 10 days prior to the conference, the Informal Review Officer shall provide notice of the time and place of this conference to the permit holder and the Environmental Health Supervisor for the county or area where the issue arose. Within 10 days following the date of the conference, the Informal Review Officer shall issue a written decision addressing the issues raised in the appeal and that

decision shall be binding for purposes of future inspections of the establishment in question unless modified pursuant to Paragraph (g) of this Rule or by the State Health Director.

(f) If the decision on appeal at the local or state level results in a change in the score resulting from an inspection of an establishment, the regulatory authority shall post a new grade card reflecting that new score.

(g) Appeals of the decision of the designated Informal Review Officer shall be in accordance with G.S. 150B. (h) Nothing in this Rule shall impact the right of a permit holder to a reinspection pursuant to Rule .2661 of this Section.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); Eff. September 1, 2012.

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## **Part 3A: Onsite Water Protection Branch Review of Working Job Titles**

*Reference Session Law 2014-120, Section 29.(h).*

- I. The working titles and position descriptions of all New Hanover County Health Department staff who review Regulatory Submittals have been reviewed with the New Hanover County Human Resources Department. No positions have engineer in the title nor include engineering functions in the position descriptions. All positions/titles subject to review Regulatory Submittals are listed below:
  - A. Environmental Health Services Manager
  - B. Senior Environmental Health Program Specialist
  - C. Environmental Health Program Specialist
  - D. Environmental Health Specialist

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## **Part 3B: Food Protection and Facilities Branch Review of Working Job Titles**

*Reference Session Law 2014-120, Section 29.(h).*

II. The working titles and position descriptions of all New Hanover County Health Department staff who review Regulatory Submittals have been reviewed with the New Hanover County Human Resources Department. No positions have engineer in the title nor include engineering functions in the position descriptions. All positions/titles subject to review Regulatory Submittals are listed below:

- A. Environmental Health Services Manager
- B. Senior Environmental Health Program Specialist
- C. Environmental Health Program Specialist
- D. Environmental Health Specialist